NOT FOR PRINTED PUBLICATION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

ENJET, LLC, § § Plaintiff, § § CIVIL ACTION No. 1:10CV228 v. UNITED STATES OF AMERICA: § ASAMARBUNKERS CONSULTADORIO E JUDGE RON CLARK PARTICIPACOES UNIPESSOAL LDA; **BUNKERS INTERNATIONAL** CORPORATION; HARBOR DOCKING AND TOWING COMPANY, L.L.C.; and COSTAS GEORGAS. § § § § Intervenor Plaintiffs, v. 88888888 WILHELMSEN SHIPS SERVICE, INC., Claimant, v. M/V MONSEIGNEUR, Official Number 1046706, her masts, boilers, engines, tackle, apparel, etc., in rem; and AHL § SHIPPING COMPANY, in personam, § § Defendants.

AMENDED FINAL JUDGMENT

This amended final judgment is entered pursuant to Federal Rule of Civil Procedure 58 and 60(a)¹ and this court's Order granting in part the United States's Motion for Summary Judgment signed on February 9, 2012.

¹ This final judgment corrects the final judgment entered by the court on February 14, 2012 [Doc. #130]. *See* Fed. R. Civ. P. 60(a). Due to clerical error, the figure awarded to Captain Brown did not include pre-judgment and post-judgment interest as the Fifth Circuit and 28 U.S.C. § 1961 require. *See Orduna S.A. v. Zen-Noh Grain Corp.*, 913 F.2d 1149, 1157 (5th Cir. 1990)(district court may deny pre-judgment interest only when peculiar circumstances would make such an award inequitable). The parties have agreed to a pre-judgment interest rate and the date from which the interest should run, namely 3.25%, compounded quarterly running from March 24, 2010 through the date of this amended judgment.

It is hereby **ORDERED** that Intervenor Plaintiff Captain Timothy A. Brown as Chairman of the Board of Trustees of the Masters, Mates, & Pilots Vacation Plan, shall recover the following amounts from the proceeds of the sale of the M/V Monseigneur located in the court registry, on behalf of the crew members listed on Exhibit 2A of Brown's response to the United States' motion [Doc. # 118]:

- (1)one-hundred fourteen thousand, four-hundred forty-five dollars and twelve cents (\$114,445.12) as preferred seamen wages
- (2) Pre-judgment interest from March 14, 2010 through February 17, 2012 the date of final judgment, at the prime rate (3.25%), compounded quarterly in the amount of seven-thousand, three-hundred eighty-two dollars and forty-seven cents (\$7,382.47)
- (3) Post-judgment interest on the entire sum calculated pursuant to 28 U.S.C. § 1961 at the rate of .15%; and
- (4) Costs of court

It is further **ORDERED** that Intervenor Plaintiff the United States of America shall recover:

- (1) the remainder of the sums located in the court registry in partial payment of its preferred ship mortgage; and
- (2) costs of court

It is further **ORDERED** that Intervenor Plaintiffs Asamarbunkers Consultadoria e

Participacoes Unipessoal Lda ("Asamarbunkers"), Bunkers International Corporation ("Bunkers

International"), and Harbor Docking and Towing Company, L.L.C. ("Harbor") shall take nothing

Case 1:10-cv-00228-RC Document 131 Filed 02/17/12 Page 3 of 3 PageID #: 1714 of and from their claims against the M/V Monseigneur. Costs are taxed to Asamarbunkers, Bunkers International, and Harbor.

It is further **ORDERED** that all relief not specifically granted herein is **DENIED**. This is a final judgment and is appealable.

So ORDERED and SIGNED this 17 day of February, 2012.

Ron Clark, United States District Judge

Pm Clark